

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

GILEAD SCIENCES, INC.,

Plaintiff,

v.

MERCK & CO, INC., et al.,

Defendants.

Case No. 5:13-cv-04057-BLF

**VERDICT FORM PHASE TWO**

1 We, the jury, unanimously agree to the answers to the following questions and return them under  
2 the instructions of this Court as our verdict in this case.

- 3 1. What have Merck and Ionis proved they are entitled to as a reasonable royalty for Gilead's  
4 sales of Sovaldi® and adjusted sales of Harvoni® through December 31, 2015?

5 a. Rate: 4.0 %

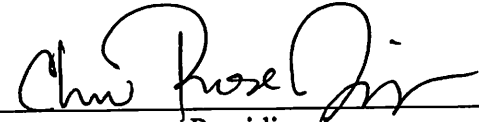
6 b. Total sales: \$ 5,000,000,000.00 (billion)

7 c. Total damages through December 31, 2015 (calculated by taking the total sales from  
8 1(b) multiplied by the rate percentage from 1(a)):

\$ 200,000,000.00 (million)

9 You have now reached the end of the verdict form and should review it to ensure it accurately  
10 reflects your unanimous determinations. The Presiding Juror should then sign and date the verdict form  
11 in the spaces below and notify the Security Guard that you have reached a verdict. The Presiding Juror  
12 should retain possession of the verdict form and bring it when the jury is brought back into the  
13 courtroom.

14 Dated: March 24, 2016

  
Presiding Juror

23 re. b. #